

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Cr1.O.P.No.9929 of 2021

1.Saranya
2.Sekar
3.Latha

... Petitioners

Vs.

State, rep. by
The Inspector of Police,
All Women Police Station
Jayankondam
Ariyalur District
(Crime No.19 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent : Mr.A.Gopinath,
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

Three petitioners / A2, A3 and A9 in Crime No.19 of 2020 on the file of All Women Police Station, Jayankondam, Ariyalur District, have filed the captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for the sake of brevity) apprehending arrest by the respondent State for alleged offences punishable under Sections 494, 294(b) and 506(ii) read with Section 109 of the 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity).

2. Heard Mr.K.Gandhi Kumar, learned counsel for petitioners and Mr.A.Gopinath, learned State Counsel on behalf of the respondent.

3. Learned counsel for petitioner submits that case of the prosecution is that on 28.09.2020 defacto complainant one Jamuna, W/o Arulkumar gave a complaint before the respondent police alleging certain offences relatable to her marriage to him on 20.10.2019. There are certain allegations about 20 sovereigns of gold jewels and home appliances worth about Rs.4 Lakhs given for the matrimonial home and it is alleged that this is dowry.

4. Learned counsel for the petitioners submits that it was a wordy quarrel and there was no duel. The case has been foisted owing to matrimonial disharmony is his further say. It is also submitted that there are ten accused in all and all the other accused namely A4, A6 to A8 and A10 (five in all) have been granted anticipatory bail by this Court vide order dated 12.05.2021 in CrI.O.P.No.9038 of 2021.

5. State Counsel (on instructions) submits that there is no dispute that all the co-accused have been granted anticipatory bail. The submission of learned counsel for petitioners that there are no adverse antecedents qua the petitioners is also not subject to any dispute (on instructions).

6. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit subject to conditions that would be adumbrated elsewhere infra in this order.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate No.II, Jayankondam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness/es either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) if there is breach of any of the aforesaid conditions, the learned jurisdictional Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned jurisdictional Magistrate/Trial Court himself / itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused/ petitioners thereafter abscond, consequences ingrained in Section 229-A of the Indian Penal Code 1860 will follow wherever applicable.

-sd/-

07/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.

+1 CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.No.6392

CRL OP.9929/2021

Date :07/06/2021

cs 22/06/2021